

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**HORATIO OMAR ROBERSON,**  
**Plaintiff**

**v.**

**CITY OF YORK and**  
**MICHAEL LEE EBERSOLE,**  
**Defendants**

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**No. 1:14-cv-2384**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 11th day of December 2015, **IT IS HEREBY ORDERED THAT** Defendants City of York and Michael Lee Ebersole's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. No. 17), is **GRANTED** as follows:

1. Plaintiff's failure to train claim, Count I(A), is **DISMISSED WITHOUT PREJUDICE**;
2. Plaintiff's "deliberate indifference in policy and customs" claim, Count I(B), is **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's malicious prosecution claim, Count II, is **DISMISSED WITHOUT PREJUDICE**; and
4. Plaintiff's freedom of association, due process, and equal protection claims are **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER HEREBY ORDERED THAT** Plaintiff is granted leave to amend his amended complaint (Doc. No. 12) within twenty days of the date of this order to cure the defects noted in the accompanying memorandum.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania